



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: July 10, 2013
Applicant: Ignacio Baez/PRO-REC Sports Parks
Case No.: PCC-13-007
Address: 7 x 7 Soccer Field located at 2015 Birch Road
(Otay Ranch Town Center)
Project Planner: Scott Donaghe

Notice is hereby given that on July 10, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-007, filed by Ignacio Baez/PRO-REC Sports Parks ("Applicant"). The Applicant requests a CUP to establish a lighted 7 x 7 Soccer Field. The Project is located in the parking lot of the Otay Ranch Town Center (ORTC) 2015 Birch Road ("Project Site") owned by General Growth Properties (GGP) ("Property Owner"). The Project Site is land use designated Freeway Commercial in the Otay Ranch General Development Plan and is zoned Freeway Commercial (FC-1) in the Freeway Commercial Sectional Planning Area (SPA) Plan for the ORTC.

Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted Freeway Commercial Second Tier EIR-02-04 from the Final Program Otay Ranch GDP EIR 90-01 for the Otay Ranch Freeway Commercial (SPA) Plan. No further environmental review or documentation is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code and the Otay Ranch SPA plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed soccer facility will provide necessary and desirable recreational services for the community at this location. The proposed use will provide this type of facility for this area where no other similar facility is available. Thus, this facility and the services it provides will contribute to the general well-being of the neighborhood and the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The proposed use will be in a completely enclosed and lighted area of the parking lot. Noise from the recreational activities or events is welcomed in the shopping center environment and far from any residential uses.

3. That the use will comply with the regulations and conditions specified in the code for such use.

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-13-007.

4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The General Plan and Otay Ranch General Development Plan designate the site as Freeway Commercial. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Freeway Commercial Sectional Planning Area (SPA) Plan, is consistent with the Freeway Commercial Retail (FC-1) permitted land uses. Thus, the proposed project is consistent with the Otay Ranch General Development Plan and General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-007 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

Planning Division

2. Obtain a separate building permit or sign permit for the proposed signage and other applicable accessory structures.
3. Any future special events that require the installation of temporary flags, balloons, signs, etc. shall be permitted through a Special Event Permit that allows for these items to be installed for up to 14 days in a calendar year.

Land Development Division/Landscape Architecture

4. Prior to issuance of building permit, provide a revised site plan showing the pedestrian pathway along the east and south sides of the proposed soccer field that provides a safe pedestrian path separate from the vehicular travel lanes in the parking lot, and relocate the soccer field sufficiently setback from the intersection of the parking lot travel lanes in order to maintain adequate sightline visibility.

Fire Department

5. Provide one fire extinguisher in the free standing club house, and maintain the existing fire hydrant and fire lane width of 20-ft.

Building Division

6. Applicant shall submit and obtain all necessary building plans for approval to the City of Chula Vista Building Division.

7. Building permits shall depict an adequate pedestrian and disabled access path from the mall to the soccer facility. Separate permits will be required for the generator, fences, and lighting standards over 6-ft. in height. Calculations are required for fences and lighting. Any new plumbing or electrical work shall also require permits.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-007, approved on July 10, 2013, which include a site plan and floor plans on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. Hours of operation for the soccer facility shall be limited to Monday through Sunday from 8:00 am - 12:00 pm, and shall be subject to further review and approval of the owner/mall management (General Growth Properties - GGP) if necessary.
4. The Applicant shall execute this Conditional Use Permit as the only authorized use. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
5. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
6. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

7. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 10th day of July 2013.

Mary Ladiana
Zoning Administrator